

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-2-05

WHEREAS, CARDAN OF SOUTH DADE L. L. C. applied to Community Zoning

Appeals Board 14 for the following:

SUBJECT PROPERTY: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the south 497' & less the west 420' & less the north 25' thereof, in Section 11, Township 57 South, Range 38 East.

LOCATION: Lying west of S.W. 194 Avenue & south of theoretical S.W. 304 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB14-15-04, and

WHEREAS, CARDAN OF SOUTH DADE L. L. C. appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

CARDAN OF SOUTH DADE L. L. C. is appealing the decision of Community Zoning Appeals Board #14 which denied the following:

AU to EU-M

SUBJECT PROPERTY: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, less the south 497' & less the west 420' & less the north 25' thereof, in Section 11, Township 57 South, Range 38 East.

LOCATION: Lying west of S.W. 194 Avenue & south of theoretical S.W. 304 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant amended the requested District Boundary Change to EU-S in lieu of EU-M, and at which time the applicant requested the waiver of the refiling period, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That the Property shall be developed in substantial accordance with the plans entitled "Peterson Proposed Site Plan," dated stamped received December 27, 2004.
2. That notwithstanding the approval of the Application or the proposed EU-S zoning classification, the Property may be developed with a maximum of twenty-five (25) single-family homes.
3. That prior to the approval of a final plat for any portion of the Property, pursuant to Sec. 28-19 of the Miami-Dade County Code, the Owner shall file an application for a non-use variance for a waiver of the requirement to install sidewalks along SW 304th Street, SW 306th Street, SW 194th Avenue, theoretical SW 194th Court and theoretical SW 95th Avenue in connection with the development of the Property. Subject to the approval of said request, said sidewalks shall not be included as part of the subdivision improvements for the Property. In the event that said request is denied, the Owner shall install sidewalks within the Property in accordance with the platting and subdivision requirements of the Public Works Department.
4. That prior to the approval of a final plat for any portion of the Property, pursuant to Sec. 28-19 of the Miami-Dade County Code, the Owner shall file an application for a non-use variance for a waiver of the requirement for the installation of street lights in connection with the development of the Property. Subject to the approval of said request, street lights shall not be included as part of the subdivision improvements for the Property. In the event that said request is denied, the Owner shall install street lights within the Property in accordance with the platting and subdivision requirements of the Public Works Department.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it is the

opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 14 in Resolution No.CZAB14-15-04 were sufficient to merit a reversal of the decision and that the appeal should be granted and the decision of Community Zoning Appeals Board 14 should be overruled, and that the amended request for a District Boundary Change to EU-S in lieu of EU-M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested waiver of the refiling period should be granted, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, grant the appeal and overrule the decision of Community Zoning Appeals Board 14, approve the amended request for a District Boundary Change to EU-S in lieu of EU-M, and to grant the waiver of the refiling period was offered by Commissioner Katy Sorenson, seconded by Commissioner Dennis C. Moss, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	absent	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	absent
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that a District Boundary change to EU-S in lieu of the requested District Boundary change to EU-M be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 14 is overruled, and that the requested waiver of the refiling period is hereby waived.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-15-04 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 3rd day of February, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-CZ14-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: **RAY SULLIVAN**
Deputy Clerk

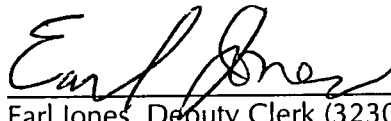
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 16TH DAY OF FEBRUARY, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-2-05 adopted by said Board of County Commissioners at its meeting held on the 3rd day of February, 2005.

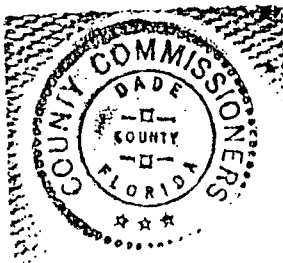
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 16th day of February, 2005.



Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY, FLORIDA



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

February 16, 2005

Cardan of South Dade L. L. C.
c/o Stephen James
701 Brickell Avenue
Suite 3000
Miami, Florida 33131.

Re: Hearing No. 04-CZ14-2
Location: Lying west of S.W. 194 Avenue &
south of theoretical S.W. 304 Street,
Miami-Dade County, Florida

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175

IMPACT FEE SECTION
(786) 315-2670 • SUITE 145

ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223

ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106

ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

Dear Applicant:

Enclosed herewith is Resolution No. Z-2-05, adopted by the Board of County Commissioners, which accepted your Declaration of Restrictions, approved your appeal and reversed the decision of Community Zoning Appeals Board 14, and approved the amended request for a District Boundary change to EU-S on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **February 16, 2005**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure